1 2 3 4	KAREN S. SCHRYVER, SB #124939 P.O. BOX 486 Gualala, CA 95445 Telephone: (707) 884-4502 Fax: (707) 884-4951 schryver@wildblue.net	
5 6 7	NEOMA D. KENWOOD, SB #101805 P.M.B. #414 1563 Solano Avenue Berkeley, California 94707 Telephone: (510) 528-4775 nkenwood@sbcglobal.net	
8 9 10 11	MICHAEL G. MILLMAN, SB #45639 CALIFORNIA APPELLATE PROJECT 101 Second Street #600 San Francisco, CA 94105 Telephone: (415) 495-0500 Fax: (415) 495-5616 MMillman@capsf.org	
12 13 14	Attorneys for Petitioner STEPHEN LOUIS MITCHAM	
15	IN THE UNITED STA	TES DISTRICT COURT
16		
17	SAN JOSE DIVISION	
18		
19	STEPHEN LOUIS MITCHAM,) Case No. C-97-3825 LHK
20	Petitioner,	() [PROPOSED] ORDER
2122	KEVIN CHAPPELLE, Warden of California State Prison at San Quentin,	
23	Respondent.	CAPITAL CASE
24		
2526	Having considered the fourth unopposed motion of Petitioner to Modify the Filing Dates Due to Expected Change in Ninth Circuit Law regarding his Surreply for Claim D and good cause appearing therefore,	
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28	IT IS HEREBY ORDERED:	
	[P ROPOSED] ORDER: PET'S 4th UNOPPOSED MOT. TO MODIFY FILING D Case No. C-97-03825-LHK	ates due to expected change in 9^{th} circuit law; re: surreply 1 -

1	1. That Petitioner shall file a Surreply to Claim D (IAC subclaim) in his Amended
2	Petition, not later than sixty (60) days after the Ninth Circuit Court of Appeals issues its En
3	Banc decision in Carrera v. Ayers, No. 08-99007.
4	2. That Respondent shall file a Response not later than 30 days from the date of filing
5	of Petitioner's Surreply.
6	
7	DATED: 4/23/12
8	Jucy H. Koh
9	Jucy 17. 1907
10	HON. LUCY H. OH UNITED STATES DISTRICT JUDGE
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